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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE ABBOTT LABS NORVIR
ANTITRUST LITIGATION) Case No. C-04-1511 CW
)
) ORDER GRANTING SECOND
) STIPULATED REQUEST PURSUANT TO
) LOCAL RULE 6-2 FOR MODIFICATION
) OF THE BRIEFING SCHEDULE AND
) HEARING DATE ON DEFENDANT'S
) MOTION FOR SUMMARY JUDGMENT
)
)
)
)
) The Honorable Judge Wilken
)

1 By the signature of their counsel to this Stipulation, the parties to this action agree and
2 stipulate as follows:

3 **RECITALS**

4 WHEREAS, by order dated September 12, 2005, the Court set a briefing schedule on
5 Defendant's motion for summary judgment.

6 WHEREAS, by order dated December 15, 2005, the Court modified the previously set
7 briefing schedule on Defendant's motion for summary judgment.

8 WHEREAS, Defendant's reply brief to Plaintiffs' opposition to Defendant's motion for
9 summary judgment is currently due on March 3, 2006.

10 WHEREAS, the hearing on Defendant's motion for summary judgment is currently set for
11 March 24, 2006.

12 WHEREAS, Defendant seeks further modification of the briefing schedule in order to permit
13 Defendant to depose declarants not previously disclosed to Defendant and on which Plaintiffs rely in
14 support of their opposition to Defendant's motion for summary judgment filed February 10, 2006.
15 Depositions of these declarants are necessary in order for Defendant to adequately reply to Plaintiffs'
16 opposition.

17 WHEREAS Plaintiffs do not object an extension of time for Defendant's reply brief.

18 WHEREAS, the parties have, subject to Court approval, agreed that Defendant be permitted
19 eighteen (18) additional days in which to file their reply to Plaintiffs' opposition.

20 WHEREAS, there have been nine time modifications in this case, one of which was with
21 respect to the instant motion for summary judgment.

22 **STIPULATION**

23 The parties hereby stipulate and respectfully request that the Court approve the following:
24 Defendant's reply to Plaintiffs' opposition to Defendant's motion for summary judgment is
25 now due **March 21, 2006**.

26 The parties respectfully suggest that the Court hear argument on **April 7, 2006** or any other
27 date that will be convenient to the Court.

1 **IT IS SO STIPULATED.**

2 Dated: February 28, 2006

WINSTON & STRAWN LLP

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4 By: /s/ Samuel S. Park
5 Samuel S. Park (admitted *pro hac vice*)
6 One of the Attorneys for Defendant
7 ABBOTT LABORATORIES

8 Dated: February 28, 2006

9
10 BERMAN, DEVALERIO, PEASE, TABACCO,
11 BURT & PUCILLO

12
13 By: /s/ Christopher T. Heffelfinger
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5 Counsel for Plaintiff Service Employees
6 International Union Health and Welfare Fund

7 **ORDER**

8 Pursuant to Stipulation, IT IS SO ORDERED

9 Dated: 3/2/06

10 /s/ CLAUDIA WILKEN

11 By: _____
12 Hon. Claudia Wilken
13 United States District Judge

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